a properly qualified juror under the constitution and laws of Michigan. *People* v. *Barltz* (Mich., 1920), 180 N. W. 423.

The court reached this conclusion, largely, on the basis of the general principle of constitutional construction that a constitution should be construed, if its language is appropriate, so that it will accomplish the purpose the people intended it to accomplish. Here the purpose of the amendment was to do away with the distinction between men and women as to being electors. The court concluded that by being thus made an elector a woman was placed in a class which made her eligible for jury duty under the Michigan statute providing that jurors should be selected from among persons having the qualifications of electors. In *Parus* v. *Dist. Court, etc.*, 42 Nev. 229, under a similar constitutional amendment and statute, the court reached a like conclusion in regard to grand jury service. For a contrary view, see the dissenting opinion in that case and the approving comment thereon in 17 MICH. L. REV. 271. See also the older case of *McKinney* v. *State*, 3 Wyo. 719. In the recent case of *In re Grilli*, 179 N. Y. S. 795, an inferior New York court decided that the woman's suffrage amendment in that state did not make women eligible as jurors, since by the statute in force there jury service was dependent on certain age and property qualifications and was not incidental to and a part of suffrage. Perhaps, too, this case might be distinguished from the principal case in that the New York statute expressly provides that a juror shall be "a male citizen," while the Michigan statute merely provides that jurors are to be chosen from among properly qualified electors. In all jurisdictions, however, it seems to be accepted as law that as long as trial by jury as known at common law shall be secured to all and shall remain inviolate, the legislature may fix the qualifications of jurors, even though they make the qualifications different from what they were at common law. So in *Ex parte Eben Mana*, 178 Cal. 213, a California statute authorizing women jurors was held valid.

MASTER AND SERVANT—DUTY TO AID AILING OR INJURED EMPLOYEE.—It was alleged that the plaintiff was an employee of the defendant; that while he was working in the latter's gravel pit he was overcome by the heat and rendered unable to care for himself, and that defendant thereupon placed him in a wagon box, where he was even more exposed to the heat, and left him there unattended for four hours, whereby he was made worse, suffered permanent injury, etc. On demurrer, *held*, the declaration stated a cause of action. *Carey* v. *Davis* (Iowa, 1921), 180 N. W. 889.

The liability was not placed upon any fault of defendant in causing plaintiff's sunstroke. Ordinarily, a mere stranger is under no legal duty to be a good Samaritan. He can "pass by on the other side" and let the injured man die, without legal liability. *Union Pacific R. Co.* v. *Cappier*, 66 Kan. 649; *Griswold* v. *B. & M. Ry. Co.*, 183 Mass. 434. There are statements to the contrary in *Whitesides* v. *Southern Ry. Co.*, 128 N. C. 229, but the case is unsatisfactory as authority. It is stated as the general rule that, aside from special contract, an employer is under no legal duty to furnish medical aid

to injured employees where he is not responsible for the injury, 5 LABATT, MASTER AND SERVANT, 6179, and cases there cited; nor to rescue employees from imminent peril. *Allen* v. *Hixson,* 111 Ga. 460. But in several well-considered cases of recent date it is very clearly stated that where an employee becomes incapacitated to help himself by reason of sickness, injury, etc., although not through the fault of the employer, the latter is under duty to make all reasonable effort to prevent loss of life or great injury. *Hunicke* v. *Meramac Quarry Co.,* 212 S. W. 345 (Mo., 1919); *Bessemer Land and Improvement Co.* v. *Campbell,* 121 Ala. 50; *Troutman's Adm.* v. *L. & N. Ry. Co.,* 179 Ky. 145; *Ohio & Mississippi R. Co.* v. *Early,* 141 Ind. 73. With this doctrine the instant case is in accord. However, in all of these cases cited the business involved was a hazardous one, and in some of them the doctrine is expressly limited to such business. In this aspect the principal case is an extension upon the doctrine. If so, it would seem a justifiable extension. With an employee beyond self-help and in danger of death or great permanent injury, with an employer peculiarly able to give the necessary aid, it is surely not a grievous burden to require him to make reasonable use of the means at hand to save the life or prevent the permanent injury. The doctrine should be limited to emergencies. There is, however, another possibility in the case. Where one who is under no duty to give aid undertakes to do so, his position is changed and he is bound to use reasonable care not to aggravate the injury instead of helping it. *Depue* v. *Flateau,* 100 Minn. 299; *Ry. Co.* v. *Marrs,* 119 Ky. 954; *Northern Cent. Ry. Co.* v. *State,* 29 Md. 420; *Dyche* v. *Ry. Co.,* 79 Miss. 361; *Gates* v. *Chesapeake & Ohio R. Co.,* 185 Ky. 24. See, however, *Union Pacific R. Co.* v. *Cappier* and *Griswold* v. *Ry. Co., supra.* The defendant in the instant case, having taken charge of the plaintiff, was bound to use reasonable care not to increase the danger. As the court expresses its approval of this doctrine as well as of that noted above, and does not state upon which it rests its decision, neither part of the case can be taken as *dictum.*

MASTER AND SERVANT—ILLEGAL EMPLOYMENT OF A MINOR NEGLIGENCE PER SE.—Plaintiff, a boy less than fourteen years of age, was employed by defendant to drive a delivery wagon, in violation of the Child Labor Law. In the course of his employment he either fell or was thrown from the wagon and was injured. *Held,* that employment of a minor in violation of statute constitutes negligence *per se,* and if injury to such child proximately results from the employment a right of action in its favor arises. *Terry Dairy Co.* v. *Nalley* (Ark., 1920), 225 S. W. 887.

The conflicting minority view is that the unlawful employment is only evidence of negligence to be considered by the jury with other facts tending to show negligence. *Stehle* v. *Jaeger Automatic Machine Co.,* 220 Pa. 617. *Berdos* v. *Tremont and Suffolk Mills,* 209 Mass. 489. The prevailing view that such illegal employment is negligence *per se* in an action by the child for injuries received in the course of the employment seems to rest on the sound legal reasoning that the violation of a duty created by a statute is the